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Our Ref./Docket No: CISCO-7727

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lyons, *et al.*

Application No.: 10/698,588

Filed: October 31, 2003

Title: ERROR VECTOR MAGNITUDE  
SELECTION DIVERSITY METRIC FOR OFDM

Group Art Unit: 2681

Examiner:

## PRELIMINARY AMENDMENT

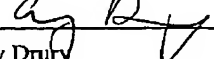
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

This is a preliminary amendment, prior to any Office Action.

Any *amendments to the specification* begin on a new page immediately after these introductory remarks.Any *amendments to the claims* begin on a new page immediately after such *amendments to the specification*, if any.Any *amendments to the drawings* begin on a new page immediately after such *amendments to the claims*, if any.The *Remarks/arguments* begin on a new page immediately after such *amendments to the drawings*, if any.If there are drawing amendments, an *Appendix* including amended drawings is attached following the *Remarks/arguments*.

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I hereby certify that this response is being facsimile transmitted to the United States Patent and Trademark Office at telephone number 703-872-9306 addressed the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on.Date: Sept. 20, 2004Signed:   
Name: Amy Drury

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**INVENTEK**

Dov Rosenfeld  
5507 College Avenue, Suite 2  
Oakland, CA 94618, USA  
Phone: (510)547-3378; Fax: (510)291-2985  
dov@inventek.com

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SEP 20 2004

**Patent Application Ser. No.:** 10/698,588**Ref./Docket No:** CISCO-7727**Applicant(s):** Lyons, et al.**Examiner.:****Filing Date:** October 31, 2003**Art Unit:** 2681**FAX COVER PAGE**

**TO:** Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

United States Patent and Trademark Office  
(Art Unit 2681)

**Fax No.:** 703-872-9306**DATE:** September 20, 2004**FROM:** Dov Rosenfeld, Reg. No. 38687**RE:** Preliminary amendment*Number of pages including cover:* 9.**OFFICIAL COMMUNICATION**

**PLEASE URGENTLY DELIVER A COPY OF  
THIS AMENDMENT TO THE EXAMINER OF  
RECORD FOR THIS APPLICATION, ART UNIT  
2681**

**Certificate of Facsimile Transmission under 37 CFR 1.8**

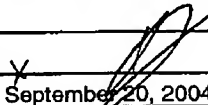
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**Date:** Sept. 20, 2004**Signed:** Amy Drury**Name:** Amy Drury

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>	Application Number	10/698,588	
	Filing Date	31 Oct 2003	
	First Named Inventor	Lyons, Daniel Joseph	
	Group Art Unit	2681	
	Examiner Name		
		Attorney Docket Number	CISCO-7727

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> <input type="checkbox"/> After Final <input type="checkbox"/> <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Remarks		

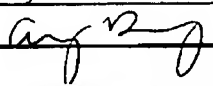
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT/ CORRESPONDENCE ADDRESS

Firm or Individual name	Dov Rosenfeld, Reg. No. 38687
Signature	
Date	September 20, 2004

## ADDRESS FOR CORRESPONDENCE

Firm or Individual name	Dov Rosenfeld 5507 College Avenue, Suite 2, Oakland, CA 94618, Tel: 510-547-3378
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## CERTIFICATE OF FACSIMILE TRANSMISSION

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Type or printed name	Amy Drury	Date	September 20, 2004
Signature		Date	September 20, 2004

Our Ref./Docket No: CISCO-7727

Patent

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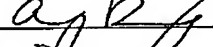
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**RECEIVED**  
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SEP 20 2004**TRANSMITTAL: PRELIMINARY AMENDMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Transmitted herewith is a preliminary amendment for the above referenced application.

This application has:

☐ a small entity status. If a claim for such status has not earlier been made, consider this as a claim for small entity status.☒ No additional fee is required.**Certificate of Facsimile Transmission under 37 CFR 1.8**I hereby certify that this response is being facsimile transmitted to the United States Patent and Trademark Office at telephone number 703-872-9306 addressed the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on.Date: Sept. 20, 2004Signed:   
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S/N 10/698,588

Page 2

CISCO-7727

\_\_\_\_\_ A credit card payment form is attached for presentation of additional claims.

X Applicant(s) believe(s) that no Extension of Time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for an extension of time.

\_\_\_\_\_ Applicant(s) hereby petition(s) for an Extension of Time under 37 CFR 1.136(a) of:

\_\_\_\_\_ one months (\$110)

\_\_\_\_\_ two months (\$420)

\_\_\_\_\_ two months (\$950)

\_\_\_\_\_ four months (\$1480)

If an additional extension of time is required, please consider this as a petition therefor.

\_\_\_\_\_ A credit card payment form for the required fee(s) is attached.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0292 (A DUPLICATE OF THIS TRANSMITTAL IS ATTACHED):

X Any missing filing fees required under 37 CFR 1.16 for presentation of additional claims.

X Any missing extension or petition fees required under 37 CFR 1.17.

Respectfully Submitted,

Sept. 20, 2004  
Date

  
Dov Rosenfeld, Reg. No. 38687

Address for correspondence:  
Dov Rosenfeld  
5507 College Avenue, Suite 2,  
Oakland, CA 94618  
Tel. 510-547-3378; Fax: +1-510-291-2985

Our Ref./Docket No: CISCO-7727

Patent

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Respectfully Submitted,

Date

Sept. 20, 2004

  
Dov Rosenfeld, Reg. No. 38687

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